

DIPE
FEB 16 2003
PATENT

Docket No.: CI-0013

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
:
Wilson BURGESS, William N. DROHAN, :
Martin J. MACPHEE and David M. MANN :
:
Serial No. 10/024,043 : Group Art Unit: 1636
:
Confirm. No.: 7597 : Examiner: Vera Afremova
:
Filed: December 21, 2001 :
:
For: METHODS OF STERILIZING HEART VALVES

#17
1/13/03

REPLY TO THE RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

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In reply to the Office Action of January 30, 2003 wherein restriction has been required, Applicants hereby elect Group II (claims 2, 3, 5-53, 64-75, 79-88, 90, 91, and 102), with traverse, for prosecution in the above-identified application.

It is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Additionally, claims 2 and 3 recite a method that includes at least one stabilizing process. Applicants submit that claim 4, which recites a similar method including at least two stabilizing processes should also be included in Group II as a search for the methods of claims

2 and 3 would overlap a search for the method of claim 4 and if claims 2 and 3 were found allowable, then claim 4 would also be allowable. Also, claims 98-101 depend directly from claim 4 and therefore should also be included with Group II.

Furthermore, as applications with similar inventors have been searched in class 422, Applicant respectfully submits that at least Group II should be properly classified in class 422.

Thus, it is respectfully submitted that the search and examination of the entire application should be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Laura L. Lee**, at the telephone number listed below.

Serial No. 10/024,043

Docket No. CI-0013

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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Date: February 26, 2003

1636

Docket No.: CI 0013

FEB 26 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Wilson BURGESS, William N. DROHAN,
Martin J. MACPHEE and David M. MANN

Serial No. 10/024,043

Group Art Unit: 1636

Confirm. No.: 7597

Examiner: Vera Afremova

Filed: December 21, 2001

For: METHODS OF STERILIZING HEART VALVES

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is a Reply to Restriction Requirement in the above identified application.

☒ No additional fee is required.

☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	290	290	0	x \$9 =	\$0.00
Independent Claims	8	8	0	x \$42 =	\$0.00
If multiple claims newly presented, add \$280.00					
Fee for extension of time					
TOTAL FEE DUE					\$0.00

☐ Please charge my Deposit Account No. 16-0607 in the amount of \$. An additional copy of this transmittal sheet is submitted herewith.

☐ A check in the amount of \$ _____ (Check # _____) is attached.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 16-0607, including any filing fees under 37 C.F.R. 1.16 for presentation of extra claims and any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,
FLESHNER & KIM, LLP



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